

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 10, 2009. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-12 are pending in the Application. By means of the present amendment, claim 1 is amended including for better conformance to U.S. practice, such as correcting informalities noted upon review of the claim. No new matter is added by these amendments nor does this amendment to claim 1 necessitate a further search. By these amendments, claim 1 is not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2003/0129654 to Ravkin ("Ravkin"). Claims 2-4, 6, 8-10 and 12 are rejected under 35 U.S.C. §103(a) over Ravkin in view of U.S. Patent No. 6,309,726 to Ono ("Ono"). Claims 5 and 7 are rejected under 35 U.S.C. §103(a) over Ravkin in view of Ono in further view of U.S. Patent Publication No. 2002/0039346 to Abe ("Abe"). Claim 11 is rejected under 35 U.S.C. §103(a) over Ravkin in view of U.S. Patent Publication No. 2002/0053735 to Neuhaus ("Neuhaus"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-12 are allowable over Ravkin alone and in view of any combination of Ono, Abe, Neuhaus for at least the following reasons.

The Final Office Action relies on Ravkin for showing "producing a stamp (1320, see fig. 55, paragraph# 456) by attaching particles (1314, see paragraph# 454) to a surface of an auxiliary body

(1330, see figure 55, paragraph# 456-457)" (see, Final Office Action, page 3), however, it is respectfully submitted that reliance on Ravkin is misplaced.

While FIG. 55 does show a "[s]ystem 1320 for forming imprinted particles" (see, Ravkin, paragraph [0456]), in Ravkin, it is clear that it is the "particles" that are imprinted on as opposed to the present system wherein it is the particles that are used to imprint an imprintable material. For example, Ravkin explains in a FIELD OF THE INVENTION section that "the invention [of Ravkin] relates to systems using coded particles for multiplexed analysis of biological samples or reagents." (See, Ravkin, paragraph [0011].) Ravkin makes clear that (emphasis added) "[t]he invention [of Ravkin] provides systems including apparatus, methods, compositions, and kits for multiplexed analysis of samples using coded particles ..." (See, Ravkin, paragraph [0078].) For example, Ravkin explains that (emphasis added) "FIG. 1 shows a perspective view of an embodiment of a coded particle 70 for multiplexed analysis of biological samples." (See, Ravkin, paragraph [0080].) While it is clear that an applicant may be his own lexicographer, Ravkin unequivocally defines a particle as "[p]articles generally comprise any structure capable of associating a sample and/or reagent with a code for a nonpositional and/or positional assay." (See, Ravkin, paragraph [0109].)

Accordingly, as clear to a person of ordinary skill in the art from Ravkin, the particles of Ravkin are small bodies that are utilized to enable an analysis of biological samples and are not the particles of the present system. While it is true that Ravkin explains that (emphasis added) "[t]he particle surface may be modified to include surface relief. Features that define surface relief include any local deviation from a flat or convexly contoured surface, generally on an exterior surface of a particle ... The surface relief features may be molded, stamped, etched, cut, added by fusion, and/or the like " (See, Ravkin, paragraph [0131].)

Accordingly, in the terms of Ravkin, the surface relief structures are the structures that may be formed by a stamp. Ravkin further explains that (emphasis added) "[s]urface topography or surface relief may be formed by any suitable method, including stamping, molding, and etching, among others. In some embodiments, the code is stamped or imprinted in the particle by controlled deformation of a surface of a particle precursor or progenitor material, using a die. In imprinting, the die has a topography that shapes a generally complementary topography of surface relief on the resulting particle." (See, Ravkin, paragraph [0409].) "A topographic or surface-relief code is defined by surface relief features. The features may be formed on particles by any suitable process, including stamping an imprint in a particle precursor material ..." (See, Ravkin, paragraph [0417], emphasis added.)

Accordingly, while it is clear that Ravkin shows use of a die to impart surface relief structures on a particle as appreciated by anyone of ordinary skill in the art, however, it is respectfully submitted that Ravkin makes clear that the die of Ravkin is produced in a way that is ordinary to those skilled in the art and that is completely different than recited in the claims of the present system.

Ravkin explains that (emphasis added) "[s]urface relief on a die or mold may be formed by selective removal, deposition, or other restructuring of die- or mold-forming materials. Thus, features [on the die] may be formed by soft lithography, photolithography followed by chemical etching, laser etching, crystal growth, and/or so on." (See, Ravkin, paragraph [0431].) Accordingly, Ravkin teaches formation of the die using typical micromachining process such as lithography and etching of the die to produce surface relief structures on the die as typical in prior die forming systems. Ravkin goes on to explain that "[t]opographic structure may be formed in a particle

precursor material by stamping. Stamping [as illustrated in FIG. 55 cited in the Final Office Action] generally comprises contacting precursor material with a die and applying pressure ..." (See, Ravkin, paragraph [0431].)

Accordingly, while "FIG. 52 [cited in the Office Action] shows a die 1310 used to produce a particular code pattern. Over the die surface, the die includes at least one group 1312 of features 1314 that will form the code pattern." Ravkin nonetheless is clear that the (emphasis added) "[d]ie 1310 is manufactured using known methods of micro-machining ..." (See, Ravkin, paragraph [0453].)

While Ravkin in "FIGS. 53 and 54 show magnified views of exemplary die features" (see, Ravkin, paragraph [0454]), as should now be clear, these features are formed simply by standard micromachining processes. Accordingly, while "FIG. 55 shows a system 1320 for forming imprinted particles" (see, Ravkin, paragraph [0456]) as cited in the Office Action, it is the particles that are imprinted by the die as opposed to the present system, wherein a stamp is produced by attaching particles to a surface ...

As should be clear from the above, Ravkin has little to do with the claims of the present system.

Accordingly, the "features 1314" that are cited in the Final Office Action (see, Final Office Action, page 3, first paragraph) as corresponding to the "particles" of the present system are formed by conventional micromachining processes such as lithography and etching. Clearly these features 1314 are not produced by attaching particles to a surface as provided in the presently claimed system.

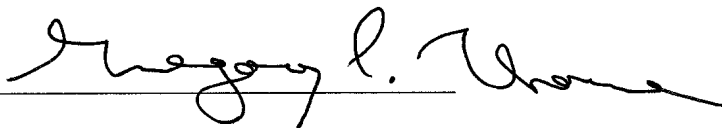
It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Ravkin. For example, Ravkin does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "producing a stamp by attaching particles to a surface of an auxiliary body in a pattern; and using the attached particles on the stamp to imprint an imprintable material, thereby producing the plurality of bodies, the each body having at least a surface portion bearing an a direct imprint of the particle pattern in the stamp" as recited in claim 1. Each of Ono, Abe and Neuhaus are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Ravkin.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Ravkin and notice to this effect is earnestly solicited. Claims 2-12 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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